

**SCPD EMPLOYMENT FIRST OVERSIGHT COMMISSION**  
**OCTOBER 09, 2018**  
**SMYRNA REST AREA, SMYRNA**

**Present:** Lloyd Schmitz, Chair, Council on Blind/SCPD; Elisabeth Furber, CLASI/DLP; Thomas Hall, DSS Deputy Director/DHSS; Dale Matusevich, DOE; Julie Petroff, DOL-Division of Industrial Affairs (DIA); Sandy Reyes, Department of Human Resources; Ron Sarg, DCVA/MOAA; Crystal Sheats, DOL/DVR; John McNeal, SCPD; and Amber Rivard, Support Staff.

**Guests:** Deborah Bradl, DHSS/DVI; and Genelle Taylor, DSAMH.

**Absent:** Marissa Catalon, DDDS; Emmanuel Jenkins, DDC; Rick Kosmalski, DDC; Jackeline Saez-Rosario, Advocate; and Cindy Sterling, ServiceSource/AND.

**CALL TO ORDER/Introductions**

Lloyd called the meeting to order at 9:42 am. Everyone introduced themselves.

**ADDITIONS OR DELETIONS TO THE AGENDA**

- Lloyd did not make the September Kent County Economic Summit that Ron Sarg had recommended. Ron commented that it was underwhelmed after they had heavily emphasized how much technologies had changed business, then they never had the discussion at the actual summit. Lloyd complimented Ron in suggesting attending the summit to get the word out for employment of people with disabilities.
- Discussions was made on creating a presentation that the Commission could be involved in explaining about employing people with disabilities.
- New members were added to the Commission. Lloyd welcomed Sandy Reyes from HR as an official member. John added that regarding DDC, that the Chair of DDC, Rick Kosmalski will represent DDC.
- Lloyd reminded the Commission for elections of the Chair and Co-Chair of the Commission is an annual event. It will be approaching in December. In the beginning of next year, Lloyd will no longer be the Chair of the Commission. John added that he reviewed the terms of the Commission. Members have three year terms and 6 years is the maximum. From page 6 of the EFOC bill under Section 8 (c) it stated that, "Each member shall serve a term of three years and succeed himself or herself one additional term." John added that what is on the SCPD website under EFOC is the bill and not the written code. Chair and Vice-Chair are voted on annually. They cannot serve for more than 2 consecutive terms.

**BUSINESS**

## Attendance Issues

Lloyd stated that the Commission experienced issues with quorum this year. At the next meeting with Rita attending, the Commission can refresh the information from the retreat that was forgotten and how we can move forward with the mission of the Commission. John suggested that the Commission identify steps to be taken from reviewing the retreat. Lloyd asked the members of the Commission why people are not attending meetings. Dale commented that members are battling with priorities of the meeting versus their work at the office. Julie agreed that the main issue is dealing with priorities of their given job over the meeting. Lloyd stated that most of the members are designated from either a Cabinet Secretary or a Director by virtue of their position within the State. John added that if a designee could not attend a meeting, they would have to contact the person that designated that member on their behalf and designate someone else by Code then the designator would contact through letter or email on "I designate so and so to represent me...." Sandy stated that the proxy doesn't count for quorum unless there are bylaws that allow for that. In Robert's Rules, "Proxies nominated by individual members are not counted for quorum, however authorized representatives of a corporate count towards quorum." This discussion between Sandy and John for clarification on the rules being in the Bylaws of the Commission to be compliant with FOIA (Freedom of Information Act) and acted on as an emergency only.

## EFOC Membership

The EFOC Membership list was recently updated. John clarified that all thirteen positions are filled. He added that his staff provided him with a sign in sheet of all the Commission members to provide their signature if they are here. There was a brief review of the membership as followed:

- Emmanuel Jenkins – Appointed by the Speaker of the House of Representatives (Rep. Peter Schwartzkopf).
- Ron Sarg – Appointed by Minority Leader of the House of Representatives (Rep. Daniel Short).
- Jackeline Saez-Rosario – Appointed by the President Pro Tempore of the Senate (Senator David McBride).
- Lloyd Schmitz – Appointed by the Minority Leader of the Senate (Senator Gary Simpson).
- Lisa Furber – Representing CLASI (Community Legal Aid Society, Incorporated).
- Sandy Reyes – Representing Department of Human Resources (DHR).
- Cindy Sterling – Appointed by the Chair of the SCPD.

- Julie Petroff – Appointed by the Secretary of Labor. Representing Division of Industrial Affairs (DIA).
- Crystal Sheats – Designee of Andrea Guest, representing Division of Vocational Rehabilitation (DVR); also appointed by the Secretary of Labor.
- Dale Matusevich – Designee of Dr. Susan Bunting, representing Department of Education (DOE).
- Tom Hall – Designee of Dr. Kara Odom Walker, representing Department of Health and Social Services (DHSS).
- Marissa Catalon – Designee of Marie Nonnenmacher, representing Division of Developmental Disabilities Services (DDDS).
- Rick Kosmalski – Representing Developmental Disabilities Council (DDC).

John added that he will check when the four people with disabilities were first appointed and how long they have been representing. Deb Bradl will have Elisha check with Dr. Walker on appointing two designees and to include DVI representation to the membership list. John commented that the section regarding the makeup of the Commission and trying to decipher what the Commission membership rules stated.

#### Data for Annual Report

There was updated data from DVI and DVR. Marissa indicated she may have additional information to add in her data from DDDS, but it was not available at the time. Lloyd asked Dale for clarification if he had data from DOE to contribute. Dale replied the data he has collected will probably be ready in November.

Lloyd clarified what data should be collected for the Annual Report. The data is regarding employment of individuals that a Commission member or their represented group serves and how many have gained supportive, competitive or other type of employment. This collected data will be used in the Annual Report. Tom stated that DHSS has a number of women training programs such as TANF (Temporary Assistance for Needy Families). DHSS also serves individuals with other challenges in obtaining employment. He added that they had recently given data to Rita. John will contact Rita about that data information. Lloyd asked Sandy if there would be relatable data from the Selective Placement Program (available data of people employed at a State employment through the selective placement process). Sandy clarified that the people contact Jane Hahn, then work with DVR or DVI, and are then put on the Selective Placement listing. There is not much movement on the list at this time. She added that data can be requested from Selective Placement and from past five fiscal years or what is readily available.

There is also the Return to Work Program where individuals take advantage of the Insurance program due to illness, pregnancy or anything. Sorting through that data would be time

consuming. Discussion was made on people being out of work for an extended period of six months, they are labeled as disabled under the ADA along with other qualifications or trickiness regarding the program. Lloyd asked who would be the point of contact in requesting for the collected data and how much should be requested. Sandy replied for short term disabilities, it would come out of Statewide Benefits inside of Department of Human Resources and would ask data from the past year only. Director Faith Rentz of Statewide Benefits and Insurance Coverage would be the point of contact in retrieving that data information. Lloyd asked about data of individuals with long-term disabilities for employment. Sandy stated if individuals are out of work on long-term disability, they are clients under the Hartford Company. However, there is Code language that states if an individual recovers, they can get back on the hiring list for a position in which they are qualified. When requesting data, they should ask how many individuals stayed out of work and how many returned to work. Again, they should contact Statewide Benefits for the long-term disability employment information.

Lloyd asked what other kind of data the Commission should be tracking. Data was collected from most of the agencies. He asked if DelARF (Delaware Association of Rehabilitation Facilities) and Ability Network of Delaware (AND) data should be collected for the report. Julie added that DelARF wouldn't, but DSAMH might have useful data to collect. DDDS had provided data, but Marissa is working on collecting data that is up-to-date for the report. Lloyd will send Marissa a reminder to have that data collected. A member added that not many people mention age acquired disabilities in collected data. Lloyd will contact Dava Newnam from DSAAPD and see if there is data related to employing people with disabilities for the community that deals with age and disability. There was discussion about how more and more of the aging community will not have sufficient pensions due to unemployment or working until they are in their seventies.

John reminded the Commission that the Code clarifies that the Commission should review measurable goals and objectives as submitted by each "relevant State agency" to ensure employment of the Subchapter. Defining relevant State agencies is one of the many challenges that the Commission needs to prioritize. Lloyd clarified that the relevant State agencies are the agencies that provide services to Delawareans with disabilities. John emphasized that it is on identifying those relevant State agencies. Dale commented that this was discussed a few meetings ago. The main agencies providing services towards people with disabilities in obtaining employment are Department of Education (DOE), Division of Vocational Rehabilitation (DVR), Division for the Visually Impaired (DVI) and Department of Labor is the overall agency within that, Delaware Health and Social Services (DHSS), Division of Developmental Disabilities Services (DDDS), and Division of Substance Abuse and Mental Health (DSAMH). DSAAPD was mentioned previously and that there would be relatable data under the Delaware Aging and Disability Resource Center (ADRC). The Commission will send out a letter to these agencies and ask if they have data on serving people with disabilities in obtaining employment.

Dale added when the Commission was first organized, there was a survey they sent out to initial agencies for feedback. There was confusion in what was being requested by the Commission. He had filled out the survey around the fact of what his agency does and the services used in helping people with disabilities obtain employment. A possible goal could be to go back to Selective Placement and review the policies and procedures for the Commission to know why there has

not been any update to the list. Another goal is under the section in the Code of Powers and Duties, “We shall review the measurable goals and objectives as submitted to us by the agency”, and that would mean that the agencies have to clarify what their goals and objectives for people with disabilities in obtaining employment and how they are tracking them. They should send out a questionnaire to the agencies with questions such as: What data are you tracking? Dale clarified that there should be different questions for different entities providing types of services.

John added that the EFOC Report has to be a part of the SCPD Report according to the State Code. The Annual Report should cover the end of the previous State Fiscal Year and complete by the end of the calendar year. John stated before the Commission submits any report, it should reach the core of what it needs to submit, who is involved in the report along with any other information. Sandy commented that the Commission should use the language quoted from 743 Employment First Policy and send it out to the agencies that we identify and “declare to be the public policy that competitive employment shall be considered first priority option when offering a providing service for people with disabilities who are of working age. All State Agencies shall provide services to people with disabilities shall follow this policy and ensure that it is effectively implemented.” Julie commented to also add 744 “All State agencies shall coordinate efforts, share data and all agencies are called to adopt rules and objectives. The EFOC was established by this law to.....” Then we can quote from 747, “We shall review the measurable goals and objectives that were established in this law and report to each year. This is the first year we are recording and reporting on your agency’s data. This will be our baseline year and we are asking you to report what you have for this year and your goals.” The Commission should also add the section under the Code for Powers and Duties as mentioned previously. Sandy offered to write up draft language and send it out to the Commission. John opted for Sandy to send it to him then he will put it on the SCPD letterhead, but it will be sent out by Lloyd, the Chair of the Commission. Collecting the data from all relevant agencies will be updated annually. Sandy motioned for language to be prepared consistent with what the Code says and the Commission will share their comments. Deadline for the agencies will be December 1<sup>st</sup>. Julie seconded the motion. Motion was carried.

Discussion was made on people with disabilities that are in prison. John stated that there was revised legislation or regulation related to people with disabilities for early release having to obtain a GED or diploma. Most employees have never been identified as a person with any kind of disability and unfairly being excluded. Sandy commented that is an American Civil Liberties Union (ACLU) battle. Lloyd asked if the Department of Corrections (DOC) would have a type of training program that assists in adults that are incarcerated. Sandy clarified that they do. Lloyd asked if there is follow-up after they have fulfilled their obligations. Sandy responded that the DOC has an integrated system that includes probation and parole in which they have re-entry programs with DOL. Sandy will find out who is the point of contact for the data before sending them a questionnaire. Deb added that that DVR met with the DOC, Commissioner Phelps, and will have a business consultant, along with a DVR counselor, working with them to employ individuals with visual impairments.

Ron asked about how many individuals have succeeded in obtaining employment from different agencies and asked if the Commission should follow the number of successful outcomes in the population. Sandy commented that they are not authorized to ask about those questions and

SCPD is in charge of handling that. Lloyd asked if the Veteran Affairs (VA) have a program for veterans who are disabled that do not go through DVI or DVR, but go through the VA for training for employment. Ron clarified to Lloyd that the Delaware Commission of Veteran Affairs (DCVA) is not the same as the VA. They are in the midst of changing their name to Division of Veteran Services due to individuals asking them all the time about what they want and have to be directed to the right agency. Lloyd asked if DCVA could provide any data that relates to employing people with disabilities. Ron replied that a veteran service officer is in each county, veterans that come in to file claims, seek employment and other trainings that they track. He added there are 98,000 veterans in the State. Lloyd will send Ron the questionnaire.

### **OTHER BUSINESS**

None

### **PUBLIC COMMENT**

None

### **ANNOUNCEMENTS**

John will contact Rita Landgraf on her availability to attend the November 13th meeting to review the report that she had provided at the EFOC Retreat including attendance issues. Moving forward in 2019, we would like to meet with her quarterly.

John will email a reminder about attending meetings 48 hours in advance and members need to respond to the email due to seeing if there is a quorum for that meeting.

The Commission clarified they would like to keep the same schedule for meetings, the second Tuesday of every month at the same time of 9:30 – 11:30 AM.

### **ADJOURNMENT**

Ron motioned to adjourn the meeting. Dale seconded the motion. The meeting was adjourned at 11:32 am.

Respectfully submitted,

Amber Rivard  
Administrative Specialist